

MONICA DANIEL HUTCHISON,

Plaintiff,

vs.

TEXAS COUNTY, MISSOURI;
MICHAEL R. ANDERSON,
TEXAS COUNTY PROSECUTING
ATTORNEY; and
MICHAEL R. ANDERSON, individually

Defendants.

Jury Trial Demanded

4. Dr. Pribor has introduced new issues into this case, including the administration of and results of psychological testing, and has utilized the results of that testing in forming her opinion. In her deposition, Dr. Pribor testified that interpreting the tests she administered is an area involving professional expertise and training, and that different qualified experts looking at the same test results could interpret them differently.

5. Plaintiff desires to designate a rebuttal expert to interpret the test results of the testing administered by Dr. Pribor and to testify in response and rebuttal to the opinions rendered by Dr. Pribor.

6. The aforementioned test results only became available to Plaintiff when Defendant Anderson designated Dr. Pribor on July 1, 2010. Plaintiff's counsel took Dr. Pribor's deposition as quickly as they could after her designation on July 1, 2010 and gained additional information in that deposition regarding the testing, test results in question, and her opinions in this matter.

7. Plaintiff is requesting thirty (30) days after Dr. Pribor's deposition to endorse a rebuttal expert, which would result in a disclosure deadline of August 16, 2010. This 30 days is necessary for Plaintiff to obtain a transcript of Dr. Pribor's deposition testimony, have an expert consider that deposition testimony and the materials provided by Defendant Anderson in his expert witness disclosure, and to write a report and provide the information necessary to comply with rules regarding the disclosure of expert witnesses.

8. Plaintiff could not have known for the need of this type of expert prior to the original date for Plaintiff to designate their experts, as the issues of psychological testing, and the interpretation thereof, and how they may relate to Plaintiff's diagnosis were not at issue in the case at that time. Furthermore, it was obviously impossible for Plaintiffs to designate a rebuttal expert prior to the disclosure of Defendants' experts, and there is no way any rebuttal expert could have been

designated at the time specified for Plaintiff to designate expert witnesses in this Court's original scheduling order.

9. This motion is not made for the purpose of delay, and Plaintiff believes it will not impact the date set for trial.

Respectfully Submitted,

STEELMAN, GAUNT & HORSEFIELD

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, Stephen F. Gaunt, hereby certify that on the 15th day of July, 2010 the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to:

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